IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1522 OF 2006

Goldmine Builders Pvt.Ltd. .. Petitioner.
Vs.
Karimjee Pvt.Ltd. & Ors. .. Respondents.

ALONGWITH

CRIMINAL APPLICATION NO.331 OF 2006
IN
CRIMINAL WRIT PETITION NO.1522 OF 2006

Karimjee Pvt.Ltd. & Anr. .. Applicants.
Vs.
Goldmine Builders Pvt.Ltd. .. Respondents.

Mr.Ramesh Kisani (Managing Director) of the petitioners' Company.
Mr.S.V.Marwadi for respondent no.1.
Mr.N.P.Deshpande for respondent nos.9 to 10.
Mr.S.R.Borulkar P.P. with Mrs.S.D.Shinde APP for the respondent no.11 - State.

CORAM : SMT.RANJANA DESAI &
D.B.BHOSALE, JJ.

DATED : 3RD APRIL, 2007.

P.C.:

. Heard Mr.Ramesh Kisani, Managing Director of Petitioners' company and learned counsel for the Respondents and learned A.P.P. for the State.

2. The following are the prayers made in this Petition:

> "(b) direct that the investigating agency shall treat the Complaint lodged by this Petitioner dated 27.1.2006 and annexed at

"Ex-K" to this Petition, as the First Information Report (FIR) and the Crime Report, and to investigate the case accordingly.

(c) direct that the concerned investigating agency shall include the names of the Respondent Nos.8 to 10 as the accused persons in the C.R.No.68 of 2006 and in the F.I.R. No.219 of 2006, and to take appropriate legal action against the Respondent Nos.8 to 10 in accordance with the law."

(d) direct that the progress made by the investigating agency in the investigation of the present Crime Report and the FIR be reported to this Hon.Court."

3. We have heard the Petitioner in person at considerable length. The grievance of the Petitioner is that the police have not registered the complaint filed by him against Respondent Nos.1 to 10. We find that the complaint has been registered vide FIR No.219 of 2006 at Juhu police station on 26th June, 2006 at the instance of Dyneshwar Anant Gholap, Section Officer, Juhu Division, City Survey Office, Mumbai. The learned P.P. on instructions from Ashok B.Jadhav, Inspector of Police, E.O.W. G.B.C.I.D., Mumbai states that insofar as respondent no.2 and 3 are concerned, the investigation is complete and charge-sheet is filed and insofar as respondent nos.1, 4 to 7 are concerned, the investigation is going on. He states that the investigation will be completed as expeditiously as possible and if

complicity of these accused is disclosed the charge-sheet will be filed in due course. So far as the grievance of the petitioner as regards alleged involvement of respondent nos.8 to 10 is concerned, in our opinion, that can be taken care of by the trial Court by resorting to section 319 of the Code of Criminal Procedure. If during the course of trial involvement of the said respondents is disclosed, the trial Court can always proceed against them under this provision. Needless to say that the trial Court should do so if the involvement of respondent nos.8, 9 and 10 is disclosed after evidence is led. If the petitioner desires to file a private complaint that remedy is also open to him. It is not necessary to keep this petition pending. The petition is, therefore, disposed of. We, however, make it clear that we have not expressed any opinion on the merits of the case. Criminal Application No.331 of 2006 is also disposed of.

(SMT.RANJANA DESAI, J.)

(D.B.BHOSALE, J.)